

- 2 -

Claim 1 (currently amended) An ornamental insert for a picket fence ~~or trellis~~ having a plurality of equispaced pickets and parallel spaced-apart rails secured to said pickets defining ~~an a square~~ opening with a pair of adjacent pickets,

said ornamental insert comprising a body having a perimeter and a center, and brackets projecting from the perimeter from diametrically opposite sides of the body, each bracket having a pair of opposed sidewalls adapted for straddling and engaging said pickets or parallel rails, [[.]] and abutment surfaces formed on the perimeter on diametrically opposite sides of the insert body between the brackets and equi-spaced from the brackets for abutment with said pickets or parallel rails, said brackets and abutment surfaces being equi-distant from the center.

Claim 2 (canceled)

Claim 3 (currently amended) The ornamental insert as claimed in claim 1, ~~in which the openings are square~~ and in which the ornamental insert body is selected from the group consisting of circular, astroidal, diamond-shaped, cross-shaped and elliptical-shaped inserts.

Claim 4 (currently amended) An ornamental fence insert for a picket fence,

said picket fence having a substantially horizontally extending top rail having a bottom surface, a substantially horizontally extending intermediate rail having a top surface and being spaced below said top rail, and a plurality of equi-spaced substantially vertical pickets extending through said intermediate rail to the top rail to define ~~rectangular~~ square spaces with said rails,

said ornamental fence insert for locating in a ~~rectangular~~ square space, comprising a body having a perimeter and a center, an upwardly facing abutment surface and a downwardly facing abutment surface formed on the perimeter of said body, ~~and said body having~~ brackets projecting outwardly and horizontally from the perimeter of diametrically opposite sides of the body, each bracket having a pair of opposed sidewalls defining a u-

- 3 -

facing abutment surface is adapted to seat on said intermediate rail top surface and said upwardly facing abutment surface is adapted to abut with the top rail bottom surface whereby the fence insert can be retained, said brackets and abutment surfaces being equidistant from the center.

Claim 5 (canceled)

Claim 6 (currently amended) The ornamental fence insert for a picket fence as claimed in claim 5 ~~4~~ in which said opposed sidewalls are joined by a web.

Claim 7 (currently amended) The ornamental fence insert for a picket fence as claimed in claim 5 ~~6~~ in which each of said opposed sidewalls ~~overlaps~~ is adapted to overlap a surface of one picket, in the direction of the horizontally extending direction of said rails, by a distance less than one half of the dimension of said picket in said direction, whereby sidewalls of adjacent fence inserts ~~do~~ would not impinge.

Claim 8 (original) The ornamental fence insert for a picket fence as claimed in claim 4 in which said body is substantially circular-shaped.

Claim 9 (withdrawn) The ornamental fence insert for a picket fence as claimed in claim 4 in which said body is substantially astroidal-shaped.

Claim 10 (withdrawn) The ornamental fence insert for a picket fence as claimed in claim 4 in which said body is substantially diamond-shaped.

Claim 11 (withdrawn) The ornamental fence insert for a picket fence as claimed in claim 4 in which said body is substantially cross-shaped.

Claim 12 (original) The ornamental fence insert for a picket fence as claimed in claim 4 in which said body is substantially elliptical-shaped.

Claim 13 (canceled)

- 4 -

Claim 15 (currently amended) A picket fence comprising:

a substantially horizontally extending top rail having a bottom surface, a substantially horizontally extending intermediate rail having a top surface and being spaced below and parallel to said top rail, and a plurality of spaced substantially vertical pickets extending through said intermediate and top rails to define rectangular spaces with said rails,

an ornamental insert for said rectangular spaces, said ornamental fence insert comprising ~~having~~ a body having a perimeter, an upwardly facing flat abutment surface and a downwardly facing flat abutment surface formed on the perimeter of said body ~~for abutting in abutment with the top rail bottom surface and~~ the bottom surface of the top rail and the top surface of the bottom rail, respectively, and brackets projecting outwardly and horizontally from the perimeter of said body, each bracket having a pair of opposed sidewalls defining a u-shape for straddling and engaging said vertical pickets.

Claim 16 (canceled)

Claim 17 (currently amended) The picket fence as claimed in claim ~~16~~ 15 in which said opposed sidewalls are joined by a web.

Claim 18 (currently amended) The picket fence as claimed in claim ~~16~~ 15 in which each of said opposed sidewalls overlaps a surface of one picket, in the direction of the horizontally extending direction of said rails, by a distance less than one half of the dimension of said picket in said direction, whereby sidewalls of adjacent fence inserts do not impinge.

Claim 19 (original) A picket fence as claimed in claim 15, in which the spaces are square and in which the ornamental insert is selected from the group consisting of circular-shaped, astroidal-shaped, diamond-shaped, cross-shaped and elliptical-shaped inserts.

Claim 20 (currently amended) The ornamental insert for a picket fence ~~or trellis~~ as

- 5 -

Claim 21 (currently amended) The ornamental insert for a picket fence ~~or trellis~~ as claimed in claim [[4]] 1 in which said insert ~~and said picket fence or trellis are~~ is plastic.

Claim 22 (currently amended) The ~~ornamental fence insert for a~~ picket fence as claimed in claim 15 in which said insert and said picket fence are metal.

Claim 23 (currently amended) The ~~ornamental fence insert for a~~ picket fence as claimed in claim 15 in which said insert ~~and said picket fence are~~ is plastic.

Claim 24 (currently amended) The picket fence as claimed in claim 19 in which ~~said picket fence and~~ said insert ~~are~~ is metal.

Claim 25 (currently amended) The picket fence as claimed in claim 19 in which ~~said picket fence and~~ said insert ~~are~~ is plastic.

SEP 07 2006

- 6 -

It is believed the application now complies with all formal requirements.  
Favourable consideration and allowance accordingly are earnestly solicited.

Respectfully submitted,  
Nicola Leone



Arne I. Fors  
Reg. No. 20,775

GOWLING LAFLEUR HENDRESON LLP  
Suite 1600, 1 First Canadian Place  
100 King Street West  
Toronto, Ontario  
Canada M5X 1G5  
Telephone: (416) 862-5739

TOR\_LAW\6385616\1